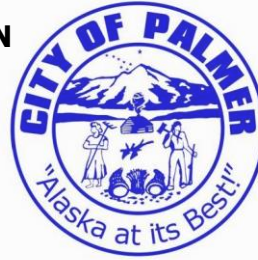


PLANNING & ZONING COMMISSION
REGULAR MEETING
6 PM, THURSDAY, JULY 25, 2024
CITY COUNCIL CHAMBERS
231 W. EVERGREEN AVENUE, PALMER
www.palmerak.org



CHAIR PENNY MOSHER
VICE CHAIR CASEY PETERSON
COMMISSIONER LINDA COMBS
COMMISSIONER LISBETH JACKSON
COMMISSIONER JOHN MURPHY
COMMISSIONER BARBARA HUNT
VACANT

AGENDA

- A. Call to Order
- B. Roll Call
- C. Pledge of Allegiance
- D. Approval of Agenda
- E. Minutes of Previous Meetings
 - 1. Regular Meeting May 30, 2024
 - 2. Joint Meeting June 20, 2024
- F. Reports
- G. Audience Participation
- H. Public Hearings
- I. Unfinished Business
- J. New Business
 - 1. Committee of the Whole: Discussion of IM- 24-011 Review of Title 17 Zoning code language regarding 17.89 Short-term Rental (Note: Action may be taken by the commission following the committee of the whole)
- K. Plat Reviews
- L. Public Comments
- M. Commissioner Comments
- N. Adjournment



Minutes

**PLANNING & ZONING COMMISSION
CITY OF PALMER, ALASKA**

**REGULAR MEETING
THURSDAY, MAY 30, 2024
6:00 P.M. - COUNCIL CHAMBERS**

A. CALL TO ORDER:

The regular meeting of the Planning and Zoning Commission was called to order by Chair Mosher at 6:00 p.m.

B. ROLL CALL:

Present and constituting a quorum were Commissioners:

Penny Mosher, Chair
Casey Peterson, Vice Chair
Linda Combs
Barbara Hunt (via Zoom)
Lisbeth Jackson
John Murphy

Absence(s) excused without objection:

Also present were:

Brad Hanson, Community Development Director

C. PLEDGE OF ALLEGIANCE: The Pledge was led by Janet Kincaid.

D. APPROVAL OF AGENDA:

The agenda was approved as presented without objection by all members present.

E. MINUTES OF PREVIOUS MEETING(S): The Minutes of the regular meeting of April 18 were unanimously approved as presented without objection by all members present.

G. REPORTS:

Staff Report: Director Hanson

- Recapped events in May, including a successful Cleanup Day
- Second phase of library design contract approved by City Council
- Summer crews are out working hard, if you see anything that needs attention, please let staff know

G. AUDIENCE PARTICIPATION:

Michelle Kincaid, Owner of Valley Hotel and Koslosky Center

- Spoke about parking code and the shortfalls of the existing code for the property owners
- Spoke about not allowing Bear Naked BBQ to receive a waiver
- Is the old plan for a one way and angled parking on S Colony Way being expedited to accommodate Bear Naked BBQ? She does not wish to have a one way on S Colony
- Asked that the City remove the CBD reduced parking regulations, strengthen onsite parking regulations, especially for businesses that have high parking needs, no waiver, special

arrangements, or backroom deal with a building that is going to require a lot of parking
Lorie Koppenberg, Vagabond Blues & Purple Moose Espresso (audio quality not great)

- Provided a handout to each of the commissioners
- Parking has been a problem for many years
- Encouraged the P&Z to include parking issues in their discussions with the City Council
- 80 seat bar and grill, zero off street parking, how is this even possible?
- City code needs to be changed for high use parking space businesses
- People shouldn't have to walk blocks and blocks to patronize businesses

Janet Kincaid, Colony Inn & Valley Hotel

- Bought the hotel as a family in 1976
- Employee parking should be considered in revised parking code
- Nice to have a new business, but needs parking
- Thank you for doing your job as P&Z commissioners

H. PUBLIC HEARINGS: None.

I. UNFINISHED BUSINESS:

1. Committee of the Whole: Committee of the Whole: Discuss IM 24-005, Discussion of items for Joint City Council and Planning and Zoning Commission Meeting (Note: Action may be taken by the Commission following the committee of the whole)

[The Commission entered Committee of the Whole at 6:17 pm and exited at 7:23pm.]

Director Hanson provided a brief staff report that included receipt of nearly all the outlines from each commissioner for the upcoming Joint Council P&Z meeting on June 20th.

The commission had an open discussion and developed an action plan for the Joint meeting, which is tentatively scheduled for June 20th.

- The commission discussed each outline and the documents that would be part of the packet.
- Each commissioner read their outline aloud and received feedback from other commissioners and staff.

J. NEW BUSINESS: None.

K. PLAT REVIEWS:

1. **IM 24-009:** To create four lots from Parcel B, Waiver Resolution #83-97PWm, filed as 83-210w excepting that portion conveyed to the State of Alaska, DOT&PF per Quitclaim Deed recorded at 2018-014446-0, 7/18/18 PRD.
 - Director Hanson provided a brief staff report, including the Fire Chief's concerns about access to all the lots and any possible rezoning that may need to happen.
 - The commission had no additional comments.
2. **IM 24-010:** To create six lots from Lot 1 & 2, Pat-Mar Acres #1. Proposed lots are to be served by the City of Palmer for water and sewer. Proposed access is from S. Felton Street and E. Helen Drive, City of Palmer owned and maintained roads.
 - Director Hanson provided a brief staff report, including maintaining sight distance and access to the lots.
 - The commission had no additional comments.

L. PUBLIC COMMENTS:

Lorie Koppenberg, Vagabond Blues & Purple Moose Espresso

- Provide enough parking, nobody will come to town without it.
- Provided comments to commissioners regarding the Joint meeting
- Bypass roads are great for traffic but terrible for business

M. COMMISSIONER COMMENTS:

Commissioner Jackson:

- Thanked the audience for their participation
- Good to see Barb and everyone else

Vice Chair Peterson:

- Thank you to the audience for showing up and providing comments
- Appreciate Barbara’s tenacity, admires her presence.

Commissioner Combs:

- Thank you to the audience, looking at decades of dedication to the City of Palmer
- Good to see you, Barb

Commissioner Murphy:

- **Thanks to audience for their presence.**

Chair Mosher:

- Thanks to audience for listening to our mock presentation, and thanks to commissioners and staff for their unique perspectives

Commissioner Hunt:

- Thanks to Janet, Lorie, and Michelle. A wealth of information exists between all three of them.
- Thanks to commissioners and Brad.

N. ADJOURNMENT:

There being no further business, the meeting adjourned without objection at 7:47 p.m.

APPROVED by the Planning and Zoning Commission this ___ day of _____, 2024.

Penny Mosher, Chair

Brad Hanson, Community Development Director

A. CALL TO ORDER

A joint special meeting of the Palmer City Council was held on June 20, 2024, at 6:00 p.m. in the Council Chambers, Palmer, Alaska. Mayor Carrington called the meeting to order at 6:00 p.m.

B. ROLL CALL

Comprising a quorum of the Council, the following were present:

Mayor Steve Carrington, Deputy Mayor Carolina Anzilotti, Joshua Tudor, Jim Cooper, Richard W. Best, and John Alcantra.

Council Member Melin was absent.

Staff in attendance:

- Shelly M. Acteson, CMC, City Clerk
- Brad Hansen, Acting City Manager
- Sarah Heath, City Attorney

Planning and Zoning Commission Members present:

- Penny Mosher, Chair
- Casey Peterson, Vice-Chair
- Linda Combs
- Lisbeth Jackson
- Barbara Hunt
- John Murphy

C. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was performed.

D. APPROVAL OF AGENDA

Main Motion: To Approve the Agenda as presented

Moved by:	N/A
Seconded by:	N/A
Vote:	Unanimous Consent of Council and Board Members present
Action:	Motion Carried

E. AUDIENCE PARTICIPATION

Conrad Krinock:

- Commented on the short-term rentals in the R-1 zoning areas.

Michelle Kincaid:

- Commented on parking issues in the Central Business District.

Lorie Koppenberg:

- Commented on the parking issues in the Central Business District and provided the group with maps and the Soldotna Code.

Wes Arntz:

- Questioned if there was a double standard for current business owners and upcoming business in relation to parking at their businesses and spoke in favor of responsible growth.

F. NEW BUSINESS

Main Motion: To Enter into Committee of the Whole, Planning and Zoning and the Council at 6:19 p.m.

Moved by:	Cooper
Seconded by:	Anzilotti
Vote:	Unanimous Vote by Council and Board Members present
Action:	Motion Carried

1. Committee of the Whole (note: action may be taken following the committee of the whole)
 - a. Matters Related to the Planning and Zoning Commission
 - i. Recap of 2023 – Penny Mosher
 - b. 2024 Commission Projects and Goals
 - i. Annexation Update – Lizabeth Jackson
 - ii. Comprehensive Plan Update – Casey Peterson
 - iii. Downtown Palmer – Linda Combs
 - iv. Transportation – John Murphy
 - v. Summary – Barbara Hunt
 - c. City Council Direction to the Commission

The Council and the Planning and Zoning Commission Members exited Committee of the Whole by unanimous consent at 7:56 p.m.

Main Motion: To direct the Planning and Zoning Commission to review Title 17, and come up with an action plan to improve parking and pedestrian activities in the Central Business District

Moved by:	N/A
Seconded by:	N/A
Vote:	Unanimous Consent of Council and Board Members present
Action:	Motion Carried

G. ADJOURNMENT

With no further business before the Council, the meeting was adjourned at 8:04 p.m.

Approved this 23rd day of July 2024.

Shelly M. Acteson, CMC, City Clerk

Steve Carrington, Mayor



New Business



**CITY OF PALMER
PLANNING & ZONING COMMISSION
INFORMATION MEMORANDUM 24-011**

- SUBJECT:** Preview of 17.89 Short-term Rental
- AGENDA OF:** July 25, 2024
- ACTION:** Review and make recommendation
- Attachment(s):** PMC 17.89 Short-term Rental – Staff Recommendations (in red)
Request to Amend PMC 17.89
City Council Ordinance 18-006
1. Ordinance As Introduced
 2. Staff Report, presented to Council
 3. Meeting Minutes
- City Council Ordinance 19-003
1. Ordinance As Introduced
 2. Staff Report, presented to Council
 3. Meeting Minutes

Summary:

The Palmer City Council has referred PMC 17.89 Short-term Rental (STR) to the Planning and Zoning (P&Z) Commission for recommended changes to the ordinance enacted in 2018. This ordinance was originally established in response to the increasing trend of property owners converting long-term residential units into short-term rentals. It was designed to align with current zoning regulations, the purpose and intent of zoning districts, property values, and the preservation of neighborhood character.

The ordinance categorizes different types of STRs based on ownership and operation to ensure their compatibility within various zoning districts.

Since the ordinance's enactment, implementation by staff has proceeded smoothly. However, a primary issue has been identifying unpermitted STRs online. Most of these cases have occurred in R-1 districts where the lot sizes do not meet the requirements for a conditional use permit. Letters have been sent to these owners, resulting in the cessation of their operations. This issue is expected to persist, as STR platform hosts do not verify whether the use is allowed within the jurisdiction.

Staff and Council have received a request from a resident to amend the ordinance to allow STRs in R-1 districts, eliminating the lot size restriction. The commission will have the opportunity to provide feedback on this proposal and suggest amendments to any part of the ordinance. Staff have highlighted specific areas that should be considered for review.

When the City Council was presented with the Short-term Rental Ordinance 18-006 on September 25, 2018, it addressed the regulation of Type 1 Short-Term Rentals (STRs) in R-1 Districts. Initially, Type 1 STRs were classified as non-permitted use in these districts, and the ordinance was approved.

Subsequently, the City Council requested an amendment to allow Type 1 STRs in R-1 Districts as a conditional use. This amendment, Ordinance 19-003, was approved on April 9, 2019. The packet includes both ordinances (18-006, 19-003) as presented to the Council, the Staff Report, and the City Council Meeting minutes. A lot size restriction for Type 1 STRs is a condition for obtaining a conditional use permit.

Recommendation:

Review PMC 17.89 and provide recommendation for the need to draft an ordinance for the Palmer City Council to review.

PMC 17.89
Short-Term Rental
Ordinance with Staff
Recommendations to
Review

Chapter 17.89

SHORT-TERM RENTALS

Sections:

- 17.89.010 Purpose and intent.**
- 17.89.020 Definitions.**
- 17.89.030 Short-term rental classifications.**
- 17.89.040 Application and approval.**
- 17.89.050 Annual renewal.**
- 17.89.060 General provisions.**
- 17.89.070 Standards.**
- 17.89.080 Standards for a conditional use permit.**
- 17.89.090 Signs.**
- 17.89.100 Violations – Enforcement.**
- 17.89.110 Appeals – Generally.**
- 17.89.120 Appeal notice and hearing before commission.**

Staff Recommended Review: In Red

17.89.010 Purpose and intent.

The purpose of this chapter is to provide for the regulation of short-term rentals in certain zoning districts within the city in order to preserve neighborhood character while encouraging economic activity and diversity, and to promote public health, safety, and welfare. (Ord. 18-006 § 5, 2018)

17.89.020 Definitions.

“Bed and breakfast” means a private residential property providing up to 15 guest rooms for accommodation of travelers with breakfast in a common eating area.

“Bed and breakfast homestay establishment” means an owner-occupied residential property where short-term lodging is provided that contains no more than five guest rooms and where breakfast service may be provided to overnight guests only.

“Bed and breakfast inn” means a resident-managed residential property where short-term lodging is provided that contains no more than 15 guest rooms and where breakfast service may be provided to overnight guests only.

“Hosting platform” means a person or entity that provides a means through which an owner may advertise and offer for rent a short-term rental to the general public.

“Operation of” or “operating” means the short-term rental has been rented by or on behalf of the owner to the general public for compensation for transient occupancy. “Operation of” or “operating” a short-term rental does not include mere advertisement of or offering to rent short-term rental(s).

“Owner” means any person named on the deed, a contract purchaser, or the beneficiary of a trust named on the deed.

“Owner occupied” means owner must reside on the property and be present at the property for the duration of any short-term rental.

“Responsible person” means the person responsible for addressing all maintenance, nuisance, and safety concerns related to a short-term rental.

“Short-term rental” means a residential dwelling unit(s) that is rented out for compensation on a temporary basis, to a single person or group for a period of less than 30 consecutive days. (Ord. 19-014 § 3, 2019; Ord. 18-006 § 5, 2018)

17.89.030 Short-term rental classifications.

Short-term rentals are classified as:

Type-1: A short-term rental of one or more bedrooms in an owner-occupied dwelling, to a single person or group, while the owner is occupying the same dwelling unit for the entire rental period.

Type-2: A short-term rental of a single family or duplex residential property where short-term lodging is provided to only one group at a time per dwelling unit. The owner of the property is or is not present at the property for the duration of any short-term rental.

Type-3: A short-term rental of a multifamily residential property where short-term lodging is provided to only one group at a time per dwelling unit. The owner of the property is or is not present at the property for the duration of any short-term rental.

Type-4: A “bed and breakfast homestay establishment” means an owner-occupied residential property where short-term lodging is provided that contains no more than five guest rooms and where breakfast service may be provided to overnight guests only. The owner must reside on the property and be present at the property for the duration of any short-term rental. The property may be rented out to multiple short-term lodging groups at a time.

Type-5: A “bed and breakfast inn” means a resident-managed residential property where short-term lodging is provided that contains no more than 15 guest rooms and where breakfast service may be provided to overnight guests only. The resident manager must reside on the property and be present at the property for the duration of any short-term rental. The property may be rented out to multiple short-term lodging groups at a time. (Ord. 19-014 § 4, 2019; Ord. 18-006 § 5, 2018)

17.89.040 Application and approval.

- A. An application for a short-term rental permit shall be initiated by the owner on a form prescribed by the zoning administrator. For the purposes of this chapter, the “owner” shall mean any person named on the deed, a contract purchaser, or the beneficiary of a trust named on the deed and is valid for a period of one year.
- B. All applications for a permit shall be accompanied by a payment of the fee(s) according to the current, adopted budget.
- C. The zoning administrator shall review the application for code compliance within 30 calendar days.
- D. Short-term rentals shall conform to all applicable codes, laws, and regulations.
- E. A site plan with a description of the short-term rental, including street address, number of bedrooms, and number of off-street parking spaces available for guests’ use.
- F. The zoning administrator shall notify the applicant in writing of approval or denial. Approved applications shall be issued a short-term rental permit. (Ord. 18-006 § 5, 2018)

17.89.050 Annual renewal.

Application for renewal of a short-term permit and payment of the renewal fee shall be made before February 1st of the applicable year. (Ord. 18-006 § 5, 2018)

17.89.060 General provisions.

The following provisions apply to the operation of short-term rentals:

- A. It is unlawful for any person to operate within the city a short-term rental without having been approved by the department of community development. **A separate registration shall be required for each short-term rental. (Add Context to “Separate” if it is a Type 3, should not need a separate permit.) if it is a different physical location is will be required.**
- B. Short-term rentals shall conform to all applicable codes, laws, and regulations.
- C. A short-term rental shall not be permitted on any lot with an accessory dwelling unit or child care center. Other home occupations shall be allowed, subject to existing regulations.
- D. A short-term rental permit is not transferable to any other property or person. When a property with a short-term rental is sold or otherwise transferred, the new owner must apply for a permit as set forth in PMC [17.89.040](#) within 60 days from the date of transfer.
- E. **Additional Notice Requirements. For registrations and registration renewals of Type-1, Type-2 or Type-4 short-term rentals as defined in PMC [17.89.030](#) in R-1, R-1E and R-2 residential zoning districts, the applicant must give**

notice on a form provided by the city to each residence adjacent, including those residences adjacent across a

public right-of-way and properties connected to the applicant’s property by property corners. The notice must include a description of the proposed use and the name, address, telephone number and email address (if any) of the responsible person. (Ord. 19-003 § 3, 2019; Ord. 19-002 § 3, 2019; Ord. 18-006 § 5, 2018)
 (CONSIDER MOVING TO 17.89.080 Standards for a conditional use)

17.89.070 Standards.

- A. One additional parking space shall be required for each bedroom or dwelling unit rented ~~shall be provided~~, in addition to the parking requirements required in Chapter [17.64](#) PMC, Parking and Loading. No on-street parking shall be allowed for short-term rental facility guests.
- B. The exterior of the building shall not reflect the operation of a short-term rental there, except that one sign, not to exceed four square feet in area, is permitted in all residential districts.
- C. The responsible person shall be available at all times the property is being rented. A sign must be posted conspicuously in the common area of each unit and shall contain all of the following information:
 - 1. The name and contact information of the owner and/or responsible person; and
 - 2. The license number of the short-term rental facility; and
 - 3. The occupancy limits and requirements set forth in the license.
- D. The owner of the short-term rental must ensure that use of the short-term rental by guests is in compliance with the noise provisions of Chapter [8.36](#) PMC.
- E. The operation of a short-term rental is permitted as indicated in the following districts:

	Type 1	Type 2	Type 3	Type 4 (Bed and Breakfast Homestay)	Type 5 (Bed and Breakfast Inn)
R-1	CUP	N	N	N	N
R-1E	CUP	CUP	N	CUP	CUP
R-2	P	P	N	P	CUP
R-3	P	P	P	P	CUP
R-4	P	P	P	P	P
Agri	P	P	P	P	P
C-L	P	P	P	P	P

	Type 1	Type 2	Type 3	Type 4 (Bed and Breakfast Homestay)	Type 5 (Bed and Breakfast Inn)
C-G	P	P	P	P	P

Key:

P = Permitted

N = Not permitted

CUP = Conditional Use Permit

F. The licensee shall comply with the quiet hours established in PMC [8.36.025](#).

G. The licensee will comply with all building, electrical and other city codes and ordinances.

H. Functions such as meetings, receptions, weddings and other social events provided for compensation or held by guests are not permitted as part of the short-term rental use unless such residential property is located in an agriculture district or commercial zoning district.

I. The license number and occupancy limit shall be included in all marketing materials, advertisements, and online listings for the short-term rental. **(Extremely hard to monitor this provision)**

J. A residential dwelling incorporating a Type-4 as an accessory use shall be a minimum of 2,000 square feet. (Ord. 19-014 § 5, 2019; Ord. 19-003 § 4, 2019; Ord. 18-006 § 5, 2018)

17.89.080 Standards for a conditional use permit.

In addition to the requirements of PMC [17.72.050](#), the following standards shall be met for a conditional use permit, if required:

A. The use shall not unreasonably interfere with or cause undue annoyance to residential uses by reason of visual appearance, bright or flashing lights, odor, noise, dust, traffic, or other negative effects.

B. Sufficient access is provided.

C. Conditions may be imposed by the commission with respect to location, screening, fencing, buffering, hours of operation, traffic, landscaping, setbacks or otherwise if reasonably necessary to satisfy these standards.

D. A Type-1 short-term rental must be on a minimum lot size of 20,000 square feet. (Ord. 19-002 § 4, 2019; Ord. 18-006 § 5, 2018)

17.89.090 Signs.

In agriculture and commercial districts, signs for a short-term rental shall meet PMC [14.08.080](#). (Ord. 18-006 § 5, 2018)

17.89.100 Violations – Enforcement.

A. *Registration Suspension or Revocation.* The zoning administrator may suspend or revoke a short-term rental permit when the licensee commits one or more of the following acts or omissions:

1. Failure to comply with any provision of this title.
2. Operating or allowing the operation of the short-term rental in such a manner as to create a public nuisance, cause a breach of the peace, constitute a danger to the public health, safety, welfare or morals, or interfere with the rights of abutting property owners.
3. The securing of the registration by fraud or misrepresentation to specifically include false or incorrect information on the registration application.

B. *Procedure.* Should the zoning administrator decide to suspend or revoke a registration, the licensee will be given notice and an opportunity to respond following the procedures in this subsection, except that should the zoning administrator determine the short-term rental or its operation presents a safety hazard or requires immediate remedy, the zoning administrator may order operation of the short-term rental to cease immediately.

1. The licensee will be notified in writing by the zoning administrator at least seven days prior to the action contemplated and the reasons therefor.
2. Upon receipt of the notice, the licensee may request a meeting with the zoning administrator. Such request must be in writing and must be received by the zoning administrator within seven days of the licensee's receipt of the notice. Failure on the part of the licensee to request in writing a meeting and within the specified time period shall be a waiver of the licensee's right to a meeting.
3. If a meeting is requested by the licensee, the zoning administrator will set a time, date and place and will so notify the licensee, in writing.
4. When a meeting is conducted, the city will present the evidence supporting the contemplated action. The zoning administrator may request evidence be presented by other parties. The licensee may present evidence. The zoning administrator will take all evidence admitted under advisement and once a decision has been made the zoning administrator will notify the licensee of the findings and decision in writing.

C. *Appeal.* Any person aggrieved by a decision of the zoning administrator will have the right to appeal to the commission by following the procedures in PMC [17.89.110](#). (Ord. 18-006 § 5, 2018)

17.89.110 Appeals – Generally.

- A. *Appeals – Standing.* Any person or persons aggrieved by an action or determination taken under this chapter may appeal said action or determination.
- B. *Jurisdiction.* Appeals of actions and determinations of the zoning administrator are heard by the commission. The commission’s action may be appealed pursuant to Chapter [17.98](#) PMC by any party, including a city official.
- C. *Time Limitation.* An appeal of a decision of the zoning administrator or of the commission must be filed within 20 calendar days of the action or determination being appealed. The right of appeal is forfeited unless a written appeal is delivered to the clerk within 20 calendar days of the zoning administrator’s or commission’s action or determination. Computation of the time period for filing an appeal shall commence with the date on which the action or determination is mailed or delivered to the parties involved. Any decision not appealed within this time limit shall become final.
- D. *Applications.* The appeal application for each appeal shall be filed with the clerk, on a form prescribed by the city clerk, and contain at least the following information:
1. The name and address of the appellant and that of the appellant’s representative, if appellant is represented; and
 2. A description of the action or determination from which the appeal is sought; and
 3. The reason for the appeal which must show a grievance to the applicant.
- E. *Fees.* All applications for appeals shall be accompanied by a payment of a non-refundable fee according to the current, adopted budget. (Ord. 18-006 § 5, 2018)

17.89.120 Appeal notice and hearing before commission.

- A. Upon receipt of a valid application appealing an action or determination of the zoning administrator, the clerk shall schedule an appeal hearing before the commission to be held within 45 days. All parties to the action or determination being appealed shall be provided with written notice not less than 15 days prior to the appeal hearing.
- B. Written statements are to be submitted to the clerk as follows:
1. An appellant may file a written statement summarizing the facts and setting forth pertinent points and authorities in support of the points contained in the notice of appeal, provided such statement must be filed not less than 12 days prior to the date set for the appeal hearing.
 2. Any interested party wishing to file a written statement in rebuttal to the appeal may do so, provided such statement must be filed not less than six days prior to the appeal hearing date.

- C. At the hearing the order of presentation is as follows:
1. The zoning administrator shall summarize the issues and state his/her decision.
 2. The applicant shall present his/her evidence, including witnesses and documents.
 3. The zoning administrator shall present his/her evidence, including witnesses and documents.
 4. The licensee may close his/her presentation.
 5. The zoning administrator may close his/her presentation.
- D. The commission, the applicants and the administration may question any witness. Any person may be represented by counsel. The applicant must prove the facts by a preponderance of the evidence. All hearings shall be tape recorded. Formal rules of evidence need not be followed.
- E. A hearing, and any reconvening thereof, shall be open to the public.
- F. Within 15 days following the hearing, the commission shall issue its decision in the form of written findings of fact and conclusions of law.
- G. The findings of fact and conclusions of law shall reference specific evidence in the record and the controlling sections of this chapter and shall briefly explain the reasons for the decision. The commission may affirm, modify, vacate, set aside or reverse any decision brought before it for review, and may remand the case and direct the entry of such appropriate order, or require further proceedings to be had as may be justified under the circumstances.
- H. The findings of fact and conclusions of law shall be signed by the presiding officer and filed with the clerk, who shall promptly mail a copy to the appellant. (Ord. 18-006 § 5, 2018)

The Palmer Municipal Code is current through Resolution 24-014, passed February 13, 2024.

Disclaimer: The city clerk's office has the official version of the Palmer Municipal Code. Users should contact the city clerk's office for ordinances passed subsequent to the ordinance cited above.

[City Website: www.palmerak.org](http://www.palmerak.org)

[Hosted by General Code.](#)

**Request to Amend
17.89 from
Maria Krinock**



Maria Krinock

PMC 17.89 Short Term Rentals Requesting a change/addendum to CUP for Type R1

Introduction:

Section 17.89.080 Standards D:

A Type-1 R1 short term rental must be on a minimum lot of 20,000 square feet.

My husband and I recently purchased our first home with intent to occupy it, and do a short term rental to compensate for high mortgage. Our CCRs stated we can do short term rentals up to 3 rooms. After closing, we found out our lot did not qualify with the city for short term rentals as it was under 20,000 square feet.

REQUESTING FOR LEGISLATION TO BE MADE TO INCLUDE LOTS UNDER 20,000 SQ FT FOR SHORT TERM RENTAS BY **ADDING A STANDARD/ADDENDUM OF:**

-ONLY ONE DWELLING UNIT CAN BE RENTED A TIME.

-3 OR MORE COMPLAINTS FROM NEIGHBORS TO CITY WITH IN ONE YEAR, WOULD BE GROUNDS FOR REVOKING SHORT TERM RENTAL PERMITS

NOTES: SOME UNITS MIGHT HAVE 3 ROOMS THAT THEY ARE WANTING TO RENT – BUT ONLY ONE CAN BE RENTED AT A TIME. This will ensure that there will be no off street parking, and not a lot of traffic for small lot neighborhoods, keeping our neighborhoods still family oriented, and not commercial.

****CONDITIONAL USE PERMIT** WILL STILL BE NECESSARY UNDER NEW LEGISLATION – JUST **ADDING TWO MORE CONDITION** FOR LOTS **UNDER 20,000 SQUARE FEET.**

1c	WHY LEGISLATION IS BEING REQUESTED:	<p>Shouldn't smaller lots be given the same equal right & opportunity to make extra income and abide by all the standards listed 17.89.070 and 080???</p> <p>Current standards for CUP, 20k sq ft lots are:</p> <ol style="list-style-type: none"> 1. QUIET HOURS 10PM-6AM 2. PARKING ONE ADDITIONAL CAR SPACE ONSITE 3. EXERIOR OF BUILDING NOT TO REFLECT SHORT TERM RENTAL 4. OWNER OR RESPONSIBLE PERSON AVIALBLE AT ALL TIMES ON PROPERTY 5. FUNCTIONS/EVENTS ON SHORT TERM PROPERTY NOT PERMITTED 6. OCCUPANCY LISTED ON ALL MARKETING MATERIALS 7. NOT TO INTERFERE WITH OR CAUSE ANY UNDUE ANNOYANCE TO RESIDENTIAL USE, BRIGHT LIGHTS, NOISE, ETC... 8. SUFFIEICIENT ACCESS TO PROPERTY IS PROVIDED <p>**Our home and short term rental meets ALL the required criteria above, and fully intends to follow all standards listed in city code.</p>
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Benefits of allow smaller lots – short term rentals:

1. Strengthen local families economy
2. Help local businesses w/more customers
3. Tax revenue for the city- 3%
4. Helps tourism in Palmer, & awareness
5. Create job opportunities for House cleaners
6. Alleviate strain on traditional accommodations such as hotels/motels that are full vacancy during tourist season.

DETAILS BENEFITS:

1. Family Economy-

- a.** with the ever increasing housing market and high interest rates, this allows sincere Palmer residents to compensate for high mortgages, without have to get a second or find other employment opportunities.
- b.** Families will also receive certain tax deduction benefits.
 - i.** According to the IRS TOPIC 415: *"If you receive rental income for the use of a dwelling unit, such as a house or an apartment, you may deduct certain expenses. These expenses, which may include mortgage interest, real estate taxes, casualty losses, maintenance, utilities, insurance, and depreciation, will reduce the amount of rental income that's subject to tax."*

2. Local Business'

- a.** With more people lodging in Palmer, will increase more customers for the local business person, from restaurants, city wide fairs, state fair, gift & book shops, grocery stores and business like the Idita-wash (laundry) etc... more business is more revenue for our hard-working, self employed business' people.

Aggrievements:

2a	<u>CCR reliance</u>	The decision to purchase our property was reliant upon the CCR (covenants, conditions, and restrictions) that explicit states "short term rentals are allowed".
2b	<u>Monetary Loss</u>	The estimated loss I will suffer is equal to the estimated gross revenue of my short term rental business is \$20,000 to \$30,000 annually.
2c	<u>Start up Expenses wasted</u>	Over the past two months, I have expended \$3747.40 for home improvements and supplies. <i>Receipts upon request.</i>
2d	<u>Mortgage</u>	My family is relying upon short-term rental income. Denying short-term rentals will significantly impede our family's ability to pay our mortgage.

Additional Considerations:

3a	Peaceful/Quiet/non-commercial Neighborhoods	I understand one of the primary objectives of PMC 17.89 is to peaceful/quiet/non-commercial neighborhoods. I entirely agree with this principle and intend to operate my AirBnB short term rental in full compliance with that directive. (Please see letter of referral from 4 area citizens.)
3b	Parking	My property has 4 off road parking spaces
3c	Number of Guests	Maximum number of guest is two (2)
3c	Economic Development	Our property is on the hill just west of the Noisy Goose Restaurant. It has a spectacular view of Pioneer Peak, Matanuska Peak, and Lazy Mountain. It showcases the artistry and natural grandeur of Palmer. My short term rental business increase tourism and augment the City of Palmer's economic development.
3d	Property Inspection	You are welcome to a site inspection of my property.

Potential for Negative Impact Fully Mitigated:

In the highly unlikely event that my short-term rentals precipitate negative impacts to the neighborhood, the City of course retains the right to revoke my permit. Therefore, there exists literally no down side of the granting my permit.

Staff Report for 18-006

Attachment(s):

- Ordinance No. 18-006
- Planning and Zoning Minutes of August 16, 2018 (draft copy)

Summary Statement:

The text amendment will repeal PMC Chapter 17.88, Bed and Breakfast in its entirety and enact PMC Chapter 17.89 Short Term Rentals and delete PMC 17.08.038 Bed and breakfast in Definitions.

Background:

Staff has received several inquiries from city residents asking if short term rentals are a permitted use in Palmer. Of those residents who inquired, the concept of a short-term rental varied from renting a house to renting a couch or bedroom for one or several nights. Researching other communities, short-term rentals are considered to include the rental of a bedroom, house, or couch for less than 30 consecutive days with or without the owner being present and with or without providing meals. After a review of PMC 17.88 Bed and Breakfast, staff found our current code to be inadequate in addressing the housing demands of short-term rentals within the community.

The Palmer Comprehensive Plan in Chapter 6 Goal 2 addresses the importance of maintaining high quality residential neighborhoods and promoting a diverse range of quality housing. Chapter 6, Goal 6, Objectives A & B of the Plan support efforts to promote new and improved accommodations in downtown to encourage more visitor spending and make downtown “the place to be”. Chapter 7, Goal 4 of the Plan speaks to strengthening Palmer as a tourism destination and stopping point for travel through the southern Matanuska-Susitna area.

The discussion of short-term rentals was introduced and discussed at the Board of Economic Development at the June, July and August meetings. Short-term rentals were also introduced at the July 19th Planning and Zoning meeting. The Planning and Zoning Commission (Commission) discussed the benefits and concerns, impacts on neighborhoods and ways to ensure short-term rentals have a positive economic impact on the community. In comparison, the Commission also reviewed PMC 17.88 Bed and Breakfast and discussed its relevance to short-term rentals.

As directed by the Commission, staff prepared draft language for an ordinance to incorporate bed and breakfast establishments into a comprehensive short-term rental chapter. Comments from the BED were considered in the formulation of PMC 17.89, Short Term Rentals. At the August 16, 2018 Planning and Zoning meeting, the Commission voted with four in favor and one opposed to move forward to City Council a recommendation for adoption of the proposed draft Ordinance repealing PMC 17.88 Bed and Breakfast in its entirety and enacting PMC 17.89 Short Term Rentals.

In addition to more robust definitions a table outlining where the various types of short term rentals would be allowed can be found in section 17.89.070(F). Type 1 additionally has a lot size requirement of 20,000 square feet before being considered for a conditional use which can be found in section 17.89.080(D).

Administration's Recommendation:

Adopt Ordinance No. 18-006 Amending Palmer Municipal Code Title 17 by Repealing Chapter 17.88 and Section 17.08.038 Bed and Breakfast and Enacting Chapter 17.89 Short Term Rentals.

**Introduction of STR
Ordinance 18-006 as
Originally Presented
to
City Council**

LEGISLATIVE HISTORY

Introduced by: City Manager
Public Hearing: September 11, 2018
Action: Adopted
Vote: Unanimous

Yes:	No:
Best	
Carrington	
L. Combs	
S. Combs	
DeVries	
Fuller	
LaFrance	

CITY OF PALMER, ALASKA

Ordinance No. 18-006

An Ordinance of the Palmer City Council Amending Palmer Municipal Code Title 17 by Repealing Chapter 17.88 and Section 17.08.038 Bed and Breakfast and Enacting Chapter 17.89 Short Term Rentals

WHEREAS, the Planning and Zoning Commission (commission) proposes and recommends text amendments as necessary to Title 17 Zoning to ensure regulations and standards are applicable to the current needs of the community; and

WHEREAS, the commission has reviewed and determined Palmer Municipal Code Chapter 17.88 Bed and Breakfast insufficient to adequately address the current residential housing demands of the community for short term rentals; and

WHEREAS, the commission has reviewed and discussed short term rental language from other similar communities and has drafted code language to help meet the increasing short term rental demands of the community.

THE CITY OF PALMER, ALASKA, ORDAINS:

Section 1. Classification. This ordinance shall be permanent in nature and shall be incorporated into the Palmer Municipal Code.

Section 2. Severability. If any provisions of this ordinance or application thereof to any person or circumstances are held invalid, the remainder of this ordinance and the application to the other persons or circumstances shall not be affected thereby.

Section 3. Palmer Municipal Code Section 17.08.038 is hereby repealed (deleted language is stricken):

~~17.08.038 Bed and breakfast.~~

~~“Bed and breakfast” means an owner-occupied residential dwelling with up to three guest rooms which provides overnight accommodations and breakfast to registered transient guests.~~

Section 4. Chapter 17.88 Bed and Breakfast is hereby repealed (deleted language is stricken):

**Chapter 17.88
BED AND BREAKFAST**

Sections:

~~17.88.010 Intent.~~

~~17.88.020 Application and approval.~~

~~17.88.030 General provisions.~~

~~17.88.080 Transfer of property.~~

~~17.88.010 Intent.~~

~~This chapter sets out the criteria under which a bed and breakfast may be incorporated into certain zoning districts. Bed and breakfasts help preserve existing housing stock and neighborhood character while providing efficient use of larger homes and providing flexibility to respond to changing household sizes and needs. The provisions set forth in the chapter help ensure the preservation of the character, integrity and property values of the surrounding areas within which these facilities are located and maintained. (Ord. 07-033 § 4, 2007)~~

~~17.88.020 Application and approval.~~

~~A. An application for a bed and breakfast permit shall be initiated by the owner on a form prescribed by the zoning administrator. For the purposes of this chapter, the owner shall mean any person named on the deed, a contract purchaser, or the beneficiary of a trust named on the deed.~~

~~B. The permit shall be accompanied by the notarized affidavit affirming that at least one owner occupies the dwelling being used as the bed and breakfast and that the bed and breakfast will conform to the requirements of the permit and the requirements of this chapter.~~

~~C. A nonrefundable fee of \$50.00 shall accompany the application.~~

~~D. The zoning administrator shall review the application for code compliance within 30 calendar days.~~

~~E. The zoning administrator shall notify the applicant in writing of approval or denial. Approved applications shall be issued a bed and breakfast permit.~~

~~17.88.030 General provisions.~~

~~The following provisions apply to the operation of bed and breakfast:~~

~~A. The bed and breakfast use shall be an accessory use to the principal use of the dwelling.~~

~~B. A residential dwelling incorporating a bed and breakfast as an accessory use shall be a minimum of 2,000 square feet.~~

~~C. The length of a stay within a bed and breakfast shall be a maximum of 21 days per calendar year, and documentation verifying the length of stay of each guest, such as a registration ledger or receipts, shall be made available to the city upon request.~~

~~D. No food preparation or cooking for guests shall be conducted within any bedroom made available for rent.~~

~~E. All guest rooms shall be contained within the principal dwelling on the lot.~~

~~F. One additional parking space for each bedroom rented shall be provided, in addition to the parking requirements required in Chapter 17.64 PMC, Parking and Loading.~~

~~G. The exterior of the building shall not reflect the operation of a bed and breakfast there, except that one sign, not to exceed four square feet in area, is permitted.~~

~~H. A bed and breakfast may be developed in either an existing or a new dwelling unit.~~

~~I. A bed and breakfast shall not be permitted on any lot with an accessory dwelling unit or child care center. Other home occupations shall be allowed, subject to existing regulations.~~

~~J. Bed and breakfasts shall conform to all applicable codes, laws, and regulations.~~

~~K. For purposes of securing financing, a potential owner may request and receive a letter of pre-approval from the city indicating property is eligible for a bed and breakfast permit if the potential owner completes the application process and construction in accordance with this section.~~

~~17.88.080 Transfer of property.~~

~~A bed and breakfast permit is not transferable to any other property or person. When a property with a bed and breakfast is sold or otherwise transferred, the new owner must apply for a permit as set forth in PMC 17.88.020 within 60 days from the date of transfer.~~

Section 5. Chapter 17.89 Short Term Rentals is hereby enacted to read as follows (new language is underlined):

Chapter 17.89
SHORT TERM RENTALS

Sections:

17.89.010 Purpose and intent.

17.89.020 Definitions.

17.89.030 Short term rental classifications.

17.89.040 Application and approval.

17.89.050 Annual review.

17.89.060 General provisions.

17.89.070 Standards.

17.89.080 Standards for a conditional use permit.

17.89.090 Signs.

17.89.100 Violations; enforcement.

17.89.110 Appeals – Generally.

17.89.120 Appeal notice and hearing before commission.

17.89.130 Written statements.

17.89.010 Purpose and intent.

The purpose of this article is to provide for the regulation of short-term rentals in certain zoning districts within the city in order to preserve neighborhood character while encouraging economic activity and diversity, and to promote public health, safety, and welfare.

17.89.020 Definitions.

"Bed and breakfast" means a private residential property providing up to 15 guest rooms for accommodation of travelers with breakfast in a common eating area.

"Bed and breakfast homestay establishment" means an owner-occupied residential property where short term lodging is provided that contains no more than five guest rooms and where breakfast service may be provided to overnight guests only.

"Bed and breakfast inn" means a resident managed residential property where short-term lodging is provided that contains no more than 15 guest rooms and where breakfast service may be provided to overnight guests only.

"Hosting platform" means a person or entity that provides a means through which an owner may advertise and offer for rent a short-term rental to the general public.

"Owner" means any person named on the deed, a contract purchaser, or the beneficiary of a trust named on the deed.

"Owner occupied" means owner must reside on the property and be present at the property for the duration of any short-term rental.

"Operation of" or "operating" means the short-term rental has been rented by or on behalf of the owner to the general public for compensation for transient occupancy. "Operation of" or "operating" a short-term rental does not include mere advertisement of or offering to rent short-term rental(s).

"Responsible person" means the person responsible for addressing all maintenance, nuisance, and safety concerns related to a short-term rental.

"Short term rental" means a residential dwelling unit(s) that is rented out for compensation on a temporary basis for a period of less than 30 consecutive days.

17.89.030 Short term rental classifications.

Short terms rentals are classified as:

Type-1: A short term rental of one or more bedrooms in an owner-occupied dwelling while the owner is occupying the same dwelling unit for the entire rental period.

Type-2: A short term rental of a single family or duplex residential property where short term lodging is provided to only one group at a time per dwelling unit. The owner of the property is or is not present at the property for the duration of any short-term rental.

Type-3: A short term rental of a multi-family residential property where short term lodging is provided to only one group at a time per dwelling unit. The owner of the property is or is not present at the property for the duration of any short-term rental.

Type-4: A bed and breakfast homestay establishment means an owner-occupied residential property where short term lodging is provided that contains no more than five guest rooms and where breakfast service may be provided to overnight guests only. The owner must reside on the property and be present at the property for the duration of any short-term rental. The property may be rented out to multiple short-term lodging groups at a time.

Type-5: A bed and breakfast inn means a resident managed residential property where short-term lodging is provided that contains no more than 15 guest rooms and where breakfast service may be provided to overnight guests only. The resident manager must reside on the property and be present at the property for the duration of any short-term rental. The property may be rented out to multiple short-term lodging groups at a time.

17.89.040 Application and approval.

A. An application for a short-term rental permit shall be initiated by the owner on a form prescribed by the zoning administrator. For the purposes of this chapter, the owner shall mean any person named on the deed, a contract purchaser, or the beneficiary of a trust named on the deed and is valid for a period of one year.

B. All applications for a permit shall be accompanied by a payment of the fee(s) according to the current, adopted budget.

C. The zoning administrator shall review the application for code compliance within 30 calendar days.

D. Short-term rentals shall conform to all applicable codes, laws, and regulations.

E. A site plan with a description of the short-term rental, including street address, number of bedrooms, and number of off-street parking spaces available for guests' use.

F. The zoning administrator shall notify the applicant in writing of approval or denial. Approved applications shall be issued a short-term rental permit.

17.89.050 Annual renewal.

Application for renewal of a short-term permit and payment of the renewal fee shall be made before February 1 of the applicable year.

17.89.060 General provisions.

The following provisions apply to the operation of short-term rentals:

A. It is unlawful for any person to operate within the city a short-term rental without having been approved by the Department of Community Development. A separate registration shall be required for each short-term rental.

B. Short-term rentals shall conform to all applicable codes, laws, and regulations.

C. A short-term rental shall not be permitted on any lot with an accessory dwelling unit or child care center. Other home occupations shall be allowed, subject to existing regulations.

D. A short-term rental permit is not transferable to any other property or person. When a property with a short-term rental is sold or otherwise transferred, the new owner must apply for a permit as set forth in PMC 17.89.040 within 60 days from the date of transfer.

E. Additional notice requirements. For registrations and registration renewals of Type-1, Type-2 or Type-4 short term rentals as defined in PMC 17.89.030 in R-1, R-1E and R-2 residential zoning districts, the applicant must give notice on a form provided by the city to each residence adjacent, including those residences adjacent across a public right-of-way and properties

connected to the applicant's property by property corners. The notice must include a description of the proposed use and the name, address, telephone number and email address (if any) of the responsible person.

17.89.070 Standards

A. One additional parking space for each bedroom or dwelling unit rented shall be provided, in addition to the parking requirements required in PMC 17.64, Parking and Loading. No on-street parking shall be allowed for short term rental facility guests.

B. The exterior of the building shall not reflect the operation of a short-term rental there, except that one sign, not to exceed four square feet in area, is permitted in all residential districts.

C. The length of a stay within a short-term rental shall be for a period of less than 30 days per calendar year, and documentation verifying the length of stay of each guest, such as a registration ledger or receipts, shall be made available to the city upon request.

D. The responsible person shall be available at all times the property is being rented. A sign must be posted conspicuously in the common area of each unit and shall contain all of the following information:

1. The name and contact information of the owner and/or responsible person; and
2. The license number of the short-term rental facility; and
3. The occupancy limits and requirements set forth in the license.

E. The owner of the short-term rental must ensure that use of the short-term rental by guests is in compliance with the noise provisions of PMC 8.36.

F. The operation of a short-term rental is permitted as indicated in the following districts:

	<u>Type I</u>	<u>Type II</u>	<u>Type III</u>	<u>Type IV (Bed and Breakfast Homestay)</u>	<u>Type V (Bed and Breakfast Inn)</u>
<u>R-1</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
<u>R-1E</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>
<u>R-2</u>	<u>P</u>	<u>P</u>	<u>N</u>	<u>P</u>	<u>CUP</u>
<u>R-3</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>CUP</u>
<u>R-4</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Agri</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>C-L</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>C-G</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>

Key:

- P = Permitted
- N = Not permitted
- CUP = Conditional Use Permit

G. The licensee shall comply with the quiet hours established in PMC 8.36.025.

H. The licensee will comply with all building, electrical and other city codes and ordinances.

I. Functions such as meetings, receptions, weddings and other social events provided for compensation or held by guests are not permitted as part of the short-term rental use unless such residential property is located in an agriculture district or commercial zoning districts.

J. The license number and occupancy limit shall be included in all marketing materials, advertisements, and online listings for the short-term rental.

K. A residential dwelling incorporating a Type-4 as an accessory use shall be a minimum of 2,000 square feet.

17.89.080 Standards for a conditional use permit.

In addition to the requirements of PMC 17.72.060, the following standards shall be met for a conditional use permit, if required:

A. The use shall not unreasonably interfere with or cause undue annoyance to residential uses by reason of visual appearance, bright or flashing lights, odor, noise, dust, traffic, or other negative effects.

B. Sufficient access is provided.

C. Conditions may be imposed by the commission with respect to location, screening, fencing, buffering, hours of operation, traffic, landscaping, setbacks or otherwise if reasonably necessary to satisfy these standards.

D. A Type-1 short-term rental must be on a minimum lot size of 20,000 square feet.

17.89.090 Signs.

In agriculture and commercial districts, signs for a short-term rental shall meet PMC 14.08.080.

17.89.100 Violations; enforcement.

A. Registration suspension or revocation. The zoning administrator may suspend or revoke a short-term rental permit when the licensee commits one or more of the following acts or omissions:

1. Failure to comply with any provision of this title.

2. Operating or allowing the operation of the short-term rental in such a manner as to create a public nuisance, cause a breach of the peace, constitute a danger to the public health, safety, welfare or morals, or interfere with the rights of abutting property owners.

3. The securing of the registration by fraud or misrepresentation, to specifically include false or incorrect information on the registration application.

B. Procedure. Should the zoning administrator decide to suspend or revoke a registration, the licensee will be given notice and an opportunity to respond following the procedures in this subsection, except that should the zoning administrator determine the short term rental or its operation present a safety hazard or require immediate remedy, the zoning administrator may order operation of the short term rental to cease immediately.

1. The licensee will be notified in writing by the zoning administrator at least seven days prior to the action contemplated and the reasons therefore.

2. Upon receipt of the notice, the licensee may request a meeting with the zoning administrator. Such request must be in writing and must be received by the zoning administrator within seven days of the licensee's receipt of the notice. Failure on the part of the licensee to request in writing a meeting and within the specified time period shall be a waiver of the licensee's right to a meeting.

3. If a meeting is requested by the licensee, the zoning administrator will set a time, date and place and will so notify the licensee, in writing.

4. When a meeting is conducted, the city will present the evidence supporting the contemplated action. The zoning administrator may request evidence be presented by other parties. The licensee may present evidence. The zoning administrator will take all evidence admitted under advisement and once a decision has been made the zoning administrator will notify the licensee of the findings and decision in writing.

C. Appeal. Any person aggrieved by a decision of the zoning administrator will have the right to appeal to the commission by following the procedures.

17.89.110 Appeals – Generally.

A. Appeals – Standing. Any person or persons aggrieved by an action or determination taken under this chapter may appeal said action or determination.

B. Jurisdiction. Appeals of actions and determinations of the zoning administrator are heard by the commission. The commission's action may be appealed pursuant to PMC Chapter 17.98 by any party, including a city official.

C. Time Limitation. An appeal of a decision of the zoning administrator or of the commission must be filed within 20 calendar days of the action or determination being appealed. The right of appeal is forfeited unless a written appeal is delivered to the clerk within 20 calendar days of the zoning administrator's or commission's action or determination. Computation of the time period for filing an appeal shall commence with the date on which the action or determination is mailed or delivered to the parties involved. Any decision not appealed within this time limit shall become final.

D. Applications. The appeal application for each appeal shall be filed with the clerk, on a form prescribed by the city clerk and contain at least the following information:

1. The name and address of the appellant and that of the appellant's representative, if appellant is represented; and

2. A description of the action or determination from which the appeal is sought; and

3. The reason for the appeal which must show a grievance to the applicant.

E. Fees. All applications for appeals shall be accompanied by a payment of a non-refundable fee according to the current, adopted budget.

17.89.120 Appeal notice and hearing before commission.

A. Upon receipt of a valid application appealing an action or determination of the zoning administrator, the clerk shall schedule an appeal hearing before the commission to be held within

45 days. All parties to the action or determination being appealed shall be provided with written notice not less than 15 days prior to the appeal hearing.

B. Written statements are to be submitted to the clerk as follows:

1. An appellant may file a written statement summarizing the facts and setting forth pertinent points and authorities in support of the points contained in the notice of appeal, provided such statement must be filed not less than 12 days prior to the date set for the appeal hearing.

2. Any interested party wishing to file a written statement in rebuttal to the appeal may do so, provided such statement must be filed not less than six days prior to the appeal hearing date.

C. At the hearing the order of presentation is as follows:

1. The zoning administrator shall summarize the issues and state his/her decision.

2. The applicant shall present his/her evidence, including witnesses and documents.

3. The zoning administrator shall present his/her evidence, including witnesses and documents.

4. The licensee may close his/her presentation.

5. The zoning administrator may close his/her presentation.

D. The commission, the applicants and the administration may question any witness. Any person may be represented by counsel. The applicant must prove the facts by a preponderance of the evidence. All hearings shall be tape-recorded. Formal rules of evidence need not be followed.

E. A hearing, and any reconvening thereof, shall be open to the public.

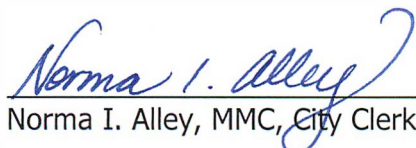
F. Within 15 days following the hearing, the commission shall issue its decision in the form of written findings of fact and conclusions of law.

G. The findings of fact and conclusions of law shall reference specific evidence in the record and the controlling sections of this chapter and shall briefly explain the reasons for the decision. The commission may affirm, modify, vacate, set aside or reverse any decision brought before it for review, and may remand the case and direct the entry of such appropriate order, or require further proceedings to be had as may be justified under the circumstances.

H. The findings of fact and conclusions of law shall be signed by the presiding officer and filed with the clerk, who shall promptly mail a copy to the appellant.

Section 6. Effective Date. Ordinance No. 18-006 shall take effect upon adoption by the City of Palmer City Council.

Passed and approved this 11th day of September, 2018.


Norma I. Alley, MMC, City Clerk


Edna B. DeVries, Mayor

**City Council
Meeting Minutes
Ordinance 18-006
9-25-18**

2. City Clerk's Report

City Clerk Alley highlighted her written report and announced early voting started, stated there were openings on all boards and commissions, and reminded the City Council that weekly budget meetings were starting in a few weeks.

3. Mayor's Report

Mayor DeVries highlighted her written report.

4. City Attorney's Report

None.

G. AUDIENCE PARTICIPATION

Mrs. Dorrell Coytay asked for City Council to consider options for North Alaska Street as she felt it was not safe due to the amount of traffic and speed of cars.

Mr. Tom Roberson asked for City Council support for an emergency stand pipe in the Palmer pool to provide water in the event of a catastrophe or emergency.

Mr. Mike Chmielewski stated he was a member of the emergency preparedness committee and requested the City Council review the Emergency Operations Plan for Palmer. City Manager Wallace stated he and department directors recently attended an emergency preparedness planning meeting and reassured that staff was forward thinking in emergency preparedness.

H. PUBLIC HEARING

1. **Ordinance No. 18-006:** Amending Palmer Municipal Code Title 17 by Repealing Chapter 17.88 and Section 17.08.038 Bed and Breakfast and Enacting Chapter 17.89 Short Term Rentals

Mayor DeVries opened the public hearing on Ordinance No. 18-006.

Mr. Mike Chmielewski stated he was very grateful for the time that was spent on the review of short term rentals and suggested the city provide a handout to future business owners which would outline the requirements and details of short term rentals.

Hearing no objection from the Council, the public hearing was closed.

Council Member S. Combs declared she owned a rental property inside the City and stated she did not see a substantial financial gain from the adoption of Ordinance No. 18-006. Discussion ensued regarding City Council's desires for her abstention.

Vote: For S. Combs to Recuse Herself and Abstain From Voting

Action:	Motion Failed
In favor:	Best, DeVries
Opposed:	Carrington, L. Combs, Fuller, LaFrance
Abstained:	S. Combs

City Manager Wallace summarized his staff report and provided explanation for staff recommended amendments as provided in a handout.

Main Motion: To Adopt Ordinance No. 18-006, as Amended

Moved by:	L. Combs
Seconded by:	Carrington
Action:	Motion Carried
In favor:	Best, Carrington, L. Combs, S. Combs, DeVries, Fuller, LaFrance
Opposed:	None

Primary Amendment #1: To Adopt Staff Recommended Amendments

Moved by:	Carrington
Seconded by:	LaFrance
Action:	Motion Carried
In favor:	Best, Carrington, L. Combs, S. Combs, DeVries, Fuller, LaFrance
Opposed:	None

Primary Amendment #2: To Strike CUP from R-1 Type 1 Under 17.89.070(F)

Moved by:	Best
Seconded by:	L. Combs
Action:	Motion Failed for Lack of Majority
In favor:	Best, L. Combs, DeVries,
Opposed:	Carrington, S. Combs, Fuller, LaFrance.

Primary Amendment #3: To Add R-1E to 17.89.060(E)

Moved by:	S. Combs
Seconded by:	L. Combs
Action:	Motion Carried
In favor:	Best, Carrington, L. Combs, S. Combs, DeVries, Fuller, LaFrance
Opposed:	None

Primary Amendment #4: To Add the Definition for Bed and Breakfast Homestay and Bed and Breakfast Inn Under 17.89.020

Moved by:	S. Combs
Seconded by:	L. Combs
Action:	Motion Carried
In favor:	Best, Carrington, L. Combs, S. Combs, DeVries, Fuller, LaFrance
Opposed:	None

Mayor DeVries called a recess from 9:27 p.m. to 9:37 p.m.

Primary Amendment #5: To Change CUP to N in R-1 Type 1 Under 17.89.070(F)

Moved by:	L. Combs
Seconded by:	Best
Action:	Motion Carried
In favor:	Best, Carrington, L. Combs, DeVries
Opposed:	S. Combs, Fuller, LaFrance

Primary Amendment #6: To Change R-1 Type 2 From N to CUP Under 17.89.070(F)

Moved by:	Fuller
Seconded by:	LaFrance
Action:	Motion Failed for Lack of Majority
In favor:	S. Combs, Fuller, LaFrance
Opposed:	Best, Carrington, L. Combs, DeVries

Staff Report for Ordinance 19-003

Attachment(s):

- Ordinance No. 19-003
- Planning and Zoning Minutes of February 21, 2019 (draft copy)

Summary Statement/Background:

This text amendment will amend the short-term rental ordinance to allow Type-1 STRs by a conditional use permit in the R-1, Single-family Residential District as requested by City Council.

While preparing the amendment to the STR ordinance, staff realized a possible conflict in the STR matrix located under PMC 17.89.070(F). Due to the single-family residential restriction of the R-1E district, a Type-3 short-term rental of a multi-family residential property is not applicable and should be appropriately marked as N, not permitted.

At the February 21, 2019 Planning and Zoning meeting, the Commission discussed and reviewed the changes to the STR ordinance and voted unanimously to move the draft ordinance forward to City Council with a recommendation for adoption.

Administration's Recommendation:

Adopt Ordinance No. 19-003 amending the Palmer Municipal Code Sections 17.89.060(E) and 17.89.070(F).

**Introduction of STR
Ordinance 19-003 as
Originally Presented
to
City Council**

LEGISLATIVE HISTORY

Introduced by: City Manager
Date: March 26, 2019
Public Hearing: April 9, 2019
Action: Adopted
Vote: 4 Yes/3 No

Yes:	No:
Berberich	Carrington
S. Combs	L. Combs
Fuller	DeVries
LaFrance	

CITY OF PALMER, ALASKA

Ordinance No. 19-003

An Ordinance of the Palmer City Council Amending Palmer Municipal Code Section 17.89.060(E) and Section 17.89.070(F) Relating to Short Term Rentals

WHEREAS, the planning and zoning commission drafted and approved a short-term rental ordinance to address the current residential housing demands of the community; and

WHEREAS, the short-term rental ordinance was adopted by City Council on September 24, 2018, and amended on January 22, 2019, to correct identified errors for codification purposes; and

WHEREAS, upon additional review by the city council, it was recommended to amend the ordinance with the applicable changes.

THE CITY OF PALMER, ALASKA, ORDAINS:

Section 1. Classification. This ordinance shall be permanent in nature and shall be incorporated into the Palmer Municipal Code.

Section 2. Severability. If any provisions of this ordinance or application thereof to any person or circumstances are held invalid, the remainder of this ordinance and the application to the other persons or circumstances shall not be affected thereby.

Section 3. Palmer Municipal Code Section 17.89.060(E) is hereby amended to read as follows (new language is underlined and deleted language is stricken):

17.89.060 General provisions.

E. Additional Notice Requirements. For registrations and registration renewals of Type-1, Type-2 or Type-4 short-term rentals as defined in PMC 17.89.030 in R-1, R-1E and R-2 residential zoning districts, the applicant must give notice on a form provided by the city to each residence adjacent, including those residences adjacent across a public right-of-way and properties connected to the applicant’s property by property corners. The notice must include a description of the proposed use and the name, address, telephone number and email address (if any) of the responsible person.

Section 4. Palmer Municipal Code Section 17.89.070(F) is hereby amended to read as follows (new language is underlined and deleted language is stricken):

17.89.070 Standards.

F. The operation of a short-term rental is permitted as indicated in the following districts:

	Type 1	Type 2	Type 3	Type 4 (Bed and Breakfast Homestay)	Type 5 (Bed and Breakfast Inn)
R-1	N -CUP	N	N	N	N
R-1E	CUP	CUP	CUP <u>N</u>	CUP	CUP
R-2	P	P	N	P	CUP
R-3	P	P	P	P	CUP
R-4	P	P	P	P	P
Agri	P	P	P	P	P
C-L	P	P	P	P	P
C-G	P	P	P	P	P

Key:

P = Permitted

N = Not permitted

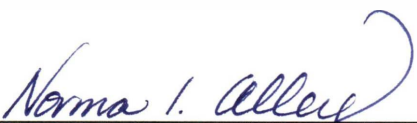
CUP = Conditional Use Permit

Section 5. Effective Date. Ordinance No. 19-003 shall take effect upon adoption by the City of Palmer City Council.

Passed and approved this 9th day of April, 2019.



 Edna B. DeVries, Mayor



 Norma I. Alley, MMC, City Clerk

**City Council
Meeting Minutes
Ordinance 19-003
4-9-19**

2. Presentation of a Proclamation Recognizing Education and Sharing Day

Mayor DeVries read and presented the proclamation to Rabbi Mendi Greensburg recognizing Education and Sharing Day. Rabbi Greenberg spoke on the importance of education, character building and communities supporting the young people.

F. REPORTS

1. City Manager's Report

City Manager Wallace highlighted his written report and stated:

- Street sweepers would begin soon;
- Police foot patrol had resumed;
- Construction season had started;
- Palmer Golf Course is open; and
- His recent radio interview was available on the Radio Free Palmer website.

2. City Clerk's Report

City Clerk Alley highlighted her written report.

3. Mayor's Report

Mayor DeVries highlighted her written report and announced she would be attending the Palmer High School graduation, so she would be absent from the May 14 meeting.

4. City Attorney's Report

None.

G. AUDIENCE PARTICIPATION

Dr. Jill Valerius spoke to the Palmer Spring Classic bike event and encouraged the Council to approve the Council Community Grant.

Mr. Mike Chmielewski thanked the Council for considering changing some of the short-term rental language.

Mrs. Lee Henrikson asked for Colony High School graduation be included in list of events for the Council.

Parks, Recreation and Cultural Resources Advisory Board Member Stephanie Allen announced funding had been secured through THRIVE, Palmer Community Foundation, and Palmer Rotary in the amount of \$13,000.00 for lighting improvements at local parks.

Mr. Larry Hill spoke to the thirty-day duration for of short-term rental stays as being too long and encouraged the Council to find a way to enforce the current ordinances.

H. PUBLIC HEARING

1. **Ordinance No. 19-003:** Amending Palmer Municipal Code Section 17.89.060(E) and Section 17.89.070(F) Relating to Short Term Rentals

Mayor DeVries opened the public hearing on Ordinance No. 19-003.

Deputy Mayor LaFrance asked for definitions be given on the short-term rental language. Community Development Director Bard Hanson spoke to the definitions and brought clarity to the ordinance.

Mr. Dean Phipps stated he supported the conditional use permit process, encouraged the Council to adopt Ordinance No. 19-003, and felt it will benefit Palmer by giving more opportunities for people to stay in the area as there are limited hotel options in the city.

Ms. Cassy Campbell spoke in favor of Ordinance No. 19-003 and asked the Council to adopt the ordinance.

Mayor DeVries closed the public hearing.

Main Motion: To Adopt Ordinance No. 19-003

Moved by:	S. Combs
Seconded by:	Fuller
In favor:	Berberich, S. Combs, Fuller, LaFrance
Opposed:	Carrington, L. Combs, DeVries
Action:	Motion Carried

Discussion ensued regarding the amount of time that was allowed for a single stay and potential impacts on allowing short-term rentals in the R-1 Zone.

Primary Amendment #1: To Postpone Ordinance No. 19-003 to April 23 and Set it to a Second Public Hearing

Moved by:	Carrington
Seconded by:	L. Combs
In favor:	Carrington, L. Combs, DeVries,
Opposed:	Berberich, S. Combs, Fuller, LaFrance
Action:	Motion Failed

Vote on Main Motion: To Adopt Ordinance No. 19-003

In favor:	Berberich, S. Combs, Fuller, LaFrance
Opposed:	Carrington, L. Combs, DeVries
Action:	Motion Carried

- Resolution No. 19-012:** Accepting and Appropriating the 2019 Volunteer Fire Assistance Grant from the State of Alaska, Department of Natural Resources, Division of Forestry in the Amount of \$3,641.06 for the Purchase of Wildland Firefighting Equipment

Mayor DeVries opened the public hearing on Resolution No. 19-012. Seeing no one come forward to speak and hearing no objection from the Council, the public hearing was closed.

Main Motion: To Approve Resolution No. 19-012

Moved by:	S. Combs
Seconded by:	Fuller
In favor:	Berberich, Carrington, L. Combs, S. Combs, DeVries, Fuller, LaFrance
Opposed:	None
Action:	Motion Carried

I. NEW BUSINESS

- Action Memorandum No. 19-042:** Approving a Council Community Grant in the Amount of \$1,000.00 to the Palmer Spring Classic Organizers to Support the Palmer Spring Classic 2019 Bike Event

Council Member Berberich was recused due to her business being the primary sponsor for the event.

Main Motion: To Approve Action Memorandum No. 19-042